

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

SHIRE CANADA INC., SHIRE INTERNATIONAL
LICENSING B.V., AND SHIRE US INC.,

Plaintiffs,

- v -

MYLAN, INC., MYLAN PHARMACEUTICALS INC.,
and MATRIX LABORATORIES LIMITED,

Defendants.

**ANSWER TO
COUNTERCLAIMS**

Civ. Action No. 09-Civ-2555 (PGG)
(KNF)

ECF CASE

Plaintiffs/Counterclaim Defendants Shire Canada Inc., Shire International Licensing B.V., and Shire US Inc. (collectively, “Shire”), by their attorneys, reply to the Counterclaims asserted in the Answer to the Amended Complaint by Mylan, Inc., Mylan Pharmaceuticals Inc., and Matrix Laboratories Limited (collectively “Mylan”) as follows:

1. Shire admits that it filed an Amended Complaint against Mylan. The remaining allegations in Paragraph 45 are legal conclusions to which no response is required.
2. Upon information and belief, Shire admits the allegations of Paragraph 46.
3. Upon information and belief, Shire admits the allegations of Paragraph 47.
4. Upon information and belief, Shire admits the allegations of Paragraph 48.
5. Shire admits the allegations of Paragraph 49.
6. Shire admits the allegations of Paragraph 50.
7. Shire admits the allegations of Paragraph 51.
8. Shire admits the allegations of Paragraph 52.
9. Shire admits the allegations of Paragraph 53.

10. Paragraph 54 contains conclusions of law to which no response is required.
11. Paragraph 55 contains conclusions of law to which no response is required.
12. Shire admits, for purposes of this action only, that venue is proper.
13. Upon information and belief, Shire admits the allegations of Paragraph 57.
14. Shire admits the allegations of Paragraph 58.
15. Shire admits, upon information and belief, that Barr Laboratories, Inc. is a part of Teva Pharmaceutical Industries Ltd. Shire admits all other allegations of Paragraph 59.
16. Shire admits the allegations of Paragraph 60, except that Shire states that it filed its action against Natco Pharma Limited on April 1, 2009.

COUNT ONE

17. In response to Paragraph 61, Shire incorporates its responses in the preceding paragraphs 1 through 16 as if fully set forth herein.
18. Shire denies the allegations of Paragraph 62.
19. Shire denies the allegations of Paragraph 63.
20. Shire denies the allegations of Paragraph 64.

PRAYER FOR RELIEF

21. Shire denies that Mylan is entitled to the relief requested, or any other relief.

Plaintiffs' Affirmative Defense

22. Mylan's Counterclaims are barred in whole or in part because they fail to state a cause of action upon which relief may be granted.

Plaintiffs' Prayer for Relief

WHEREFORE, Plaintiffs seek the following relief:

- A. A judgment dismissing with prejudice Mylan's Counterclaims and each Prayer for Relief contained therein;
- B. A finding that this is an exceptional case, and an award of attorneys' fees in this action pursuant to 35 U.S.C. § 285;
- C. An award of costs and expenses of Shire in defending these Counterclaims;
- D. A judgment including each and every Prayer for Relief sought by Shire in the Amended Complaint; and
- E. Such further and other relief as this Court determines to be just and proper.

COVINGTON & BURLING LLP

By: 

George F. Pappas
Paul J. Berman
Christopher N. Sipes
Jeffrey B. Elikan
Uma N. Everett
Anna E. Lumelsky
K. Courtney Macdonald

1201 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
Tel: 202-662-6000
Fax: 202-662-6291
gpappas@cov.com
pberman@cov.com
csipes@cov.com
jelikan@cov.com
ueverett@cov.com
cmacdonald@cov.com

The New York Times Building
620 Eighth Avenue
New York, NY 10018-1405
Tel: 212-841-1000
Fax: 212-841-1010
alumelsky@cov.com

*Counsel to Plaintiffs/Counterclaim
Defendants Shire Canada Inc., Shire
International Licensing B.V., and Shire
US Inc.*

DATED: May 7, 2009